

Remarks

Claims 1-11 are pending in the present application.

The Specification is objected to for various informalities.

The Abstract of the disclosure is objected to because it does not describe the invention.

Claims 1 and 10 are objected to.

Claims 10 and 11 are rejected under 35 USC § 101.

Claims 1-11 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-11 are rejected under 35 USC § 103(a) as being unpatentable over Applicant's admitted prior art (Admission) in view of O'Rourke (US 7,225,408) (O'Rourke).

The Specification Objections

The Specification stands objected to for not having section headings.

Applicants respectfully submit that section headings are preferred, not mandatory. In light of this, Applicants have opted to not presently amend the Specification to include section heading. Should a subsequent Office Action indicate that section headings are necessary, Applicants will gladly make such amendments at that time.

The Specification also stands objected to for failing to provide antecedent basis for the claimed subject matter. More specifically, the Office Action states that the recited "memory" in claim 1 and "software carrier" of claim 11 are not mentioned by the Specification.

Applicants respectfully submit that the Specification, as filed, mentions "memory" at least at page 1, line 2; page 3, line 22; and page 4, line 18. As for "software carrier", claim 11 has been cancelled, thereby rendering as moot the associated objection.

Finally, the Specification stands objected to in that the abstract of the disclosure does not describe the invention.

As noted above, Applicants have amended the Abstract to describe the invention. Due to a typographical error, the wrong abstract was included in the application as filed.

In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the objections to the specifications.

The Claim Objections

Claims 1 and 10 stand objected to because each element or step should be separated by a line indentation and because the phrase “the validation software is executable separately and independent from the processing software” should read “the validation software is executed separately and independently from the processing software”.

Claim 1 has been amended as noted above by replacing “executable” with “executed” and “independent” with “independently”. Since the concept of separating each element or step of the claim is suggestive in nature, Applicants have opted to not amend claim 1 in such manner. Should a subsequent Office Action indicate that such amendment is necessary, Applicants will gladly make such amendment at that time.

Claim 10 has been cancelled, thereby rendering as moot the associated objections.

The § 101 Rejections

Claims 10 and 11 stand rejected as being directed to non-statutory subject matter.

Claims 10 and 11 have been cancelled, thereby rendering as moot the associated rejections.

The § 112 Rejections

Claims 1-11 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

As noted above, **claim 1** has been amended to replace “executable” with “executed”. In light of this amendment, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 USC § 112, second paragraph.

Also as noted above, **claims 10 and 11** have been cancelled, thereby rendering as moot this rejection of claims 10 and 11.

The § 103 Rejection

Claims 1-11 are rejected under 35 USC § 103(a) as being unpatentable over Applicant's admitted prior art (Admission) in view of O'Rourke (US 7,225,408) (O'Rourke).

Claim 1 is directed to a data processing system comprising a computer having a memory for storage and retrieval of at least one application program embodying a pre-determined functionality, and for storage and retrieval of at least one data-file, which computer comprises a user interface for entertaining communication between the computer and a user of said computer, whereby the at least one application program comprises validation software for checking and enabling the operability of said application program in connection with the at least one data-file, and processing software for executing the said functionality in connection with the at least one data-file in dependence of said enabling by the validation software, wherein the validation software is executed separately and independently from the processing software.

O'Rourke is directed to a system and user interface for use by a portable processing device or other device for communicating medical record information of a patient. See, O'Rourke, column 1, lines 15-17. More specifically, O'Rourke discloses that a controller controller 15 validates that the user of processing device 10 is authorized to access the information selected for transfer (e.g., via password verification) and inhibits communication of those selected information elements for which the user is denied access. See, O'Rourke, column 4, lines 50-54. At column 6, lines 7-15, O'Rourke goes on to teach that in order to access a patient medical report, a user initiates operation on device 10 of an application for accessing a patient record and is prompted to enter a password. The password is required to continue operation of the patient record access application and is also required to access the desired electronic patient medical record itself. In step 405, following the start at step 400, controller 15 verifies a user entered password is valid in response to user selection of a logon icon.

Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to claim 1. As noted in MPEP § 2124, the Office Action is required to make a clear articulation of the reason(s) why the claimed invention would have been obvious and that the analysis supporting such a rejection should be made explicit. Further, rejections on obviousness cannot be sustained with mere conclusory

statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Here, the Office Action has merely pointed to some broad language in O'Rourke as teaching "the validation software is executable separately and independent from the processing software." As noted above, O'Rourke discloses the use of password verification to continue operation of the patient record access application. How this relates to validation software for checking and enabling the operability of said application program in connection with the at least one data-file, and processing software for executing the said functionality in connection with the at least one data-file in dependence of said enabling by the validation software, wherein the validation software is executed separately and independently from the processing software as set forth in claim 1 has not been established. In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 USC § 103(a).

Claim 2-9 depend from claim 1. For at least the reasons set forth above in connection with the patentability of claim 1, Applicants submit that claims 2-9 are patentable over the references of record.

Claims 10 and 11 have been cancelled, thereby rendering as moot the rejection of these claims.

Conclusion

Applicants submit that claims 1-9 distinguish patentably and non-obviously over the prior art of record and are in condition for allowance. An early indication of allowability is earnestly solicited.

If any extensions of time are necessary in connection with this Response A, Applicants hereby petition for such extension. If any fees are due in connection with this Response A, the authorization to charge deposit account 14-1270 for the fees associated therewith is hereby provided.

Respectfully submitted,

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